

**BEFORE THE LAND USE HEARINGS EXAMINER
FOR CLARK COUNTY, WASHINGTON**

In the matter of a Type III application for preliminary plat approval of a 37-lot single-family residential subdivision on approximately 2.94 acres zoned R-18 in unincorporated Clark County, Washington.

FINAL ORDER
Walnut Village Subdivision
PLD2004-00059; SEP2004-00102;
EVR2004-00050; ARC2004-00048

I. Summary:

This Order is the decision of the Clark County Land Use Hearings Examiner approving with conditions this application for preliminary plat and related approvals for the Walnut Village Subdivision (PLD2004-00059; SEP2004-00102; EVR2004-00050; ARC2004-00048) – a 37-lot single-family residential subdivision on approximately 2.94 acres zoned R-18.

II. Introduction to the Property and Application:

Applicant..... Walnut Grove LLC
13535 SW 72nd Avenue, Suite 155
Tigard, OR 97223

Contact..... LDC Design Group
Attn: Neil Fernando & Danelle Isenhardt
20085 NW Tanasbourne Drive
Hillsboro, OR 97124

Owner Melvin Elgin
7416 NE 58th Street
Vancouver, WA 98662

Property Legal Description: Parcel Number 104990 (TL 2/31) located in the NW ¼ of Section 8, Township 2 North, Range 2 East of the Willamette Meridian. Street Address: 7505 NE 58th Street.

Applicable Laws RCW 58.17 and Clark County Code (CCC) Chapters 40.350 (Transportation), 40.350.020 (Concurrency), 40.380 (Storm Water and Erosion Control), 15.12 (Fire Code), 40.570.080 (SEPA), 40.570.080(C)(3)(k) (Historic & Cultural Preservation), 40.540.040 (Land Divisions), 40.220.020 (Residential R-18 District), 40.610 (Impact Fees), 40.370.010(D) (Sewer), 40.370.020(D) (Water), 40.500 (Process).

This application seeks preliminary plat and related approvals, including a road modification, for a 37-Lot single-family residential subdivision on approximately 2.94 acres zoned R-18 with a UM (Urban Medium Density Residential) comprehensive plan designation. The property consists of one tax lot (parcel number 104990) located north of NE 58th Street, east of NE 72nd Avenue, west of NE 76th Avenue and south of NE 60th

Street. There are no wetland, sensitive lands, or critical lands issues related to this proposal. Surrounding parcels to the north, south, east and west all have multi-family zoning – either R-12, R-18 or R-22. Properties east, south and west have an Urban Medium Density (UM) comprehensive plan designation. The property to the north has a Public Facility (PF) comprehensive plan designation and is developed with an elementary school. The property is within the Vancouver urban growth area, the Vancouver School District, Fire Protection District 5, the Orchards Traffic Impact Fee District, Parks Improvement District 7, and is not within the territory of any recognized Neighborhood Association. Water and sewer are provided by the City of Vancouver.

The record contains a revised preliminary plat and related plans that are the subject of this decision (Ex. 18). Current access to the parcel is, and will remain, directly off of NE 58th Street, via a new segment of NE 75th Avenue and two internal streets (NE 59th Street and NE Walnut Court). The NE 75th Avenue intersection onto NE 58th Street, however, will be approximately 190 feet from the intersection of NE 76th Avenue, which is less than the minimum required separation of 275 feet. Engineering staff reviewed this request and recommended approval of this road modification (Ex. 20). County transportation and concurrency staff reviewed the proposal and provided favorable comments (Ex. 19). Additionally, the City of Vancouver provided concurrency review and comments (Ex. 17). Soils at the site are not well suited for infiltration (Ex. 6, tabs 13 & 14), so stormwater will be collected and piped to an off-site detention facility located in the near-by Walnut Grove Subdivision. County staff reviewed and approved the stormwater proposal (Ex. 19) and included a copy of the engineering report for the Walnut Grove Subdivision in the record of this matter (as part of Ex. 19).

The application includes a revised preliminary plat (Ex. 18), a narrative (Ex. 6, tab 4), preliminary erosion control plans (Ex. 6, 10), a soils report and stormwater plan (Ex. 6, tabs 13 & 14 respectively), notes from the May 27, 2004 preapplication conference (Ex. 6, tab 2), traffic study (Ex. 6, tab 16), sewer and water provider letters (Ex. 6, tab 18), the road modification request (Ex. 6, tab 19), comments from the Fire Marshall's Office (Ex. 14), an archaeological predetermination report (Ex. 7), and a SEPA checklist (Ex. 6, tab 17).

III. Summary of the Local Proceeding and the Record:

A preapplication conference for this subdivision was requested May 6, 2004 and held on May 27, 2004 (Ex. 6, tab 2). A Type III application was submitted on June 21, 2004 and determined to be fully complete on July 28, 2004 (Ex. 9). From this, the vesting date for the development is May 6, 2004. Notice of the Type III application and a October 7, 2004 public hearing on the application was mailed to property owners within 300 feet and to the Clark County Neighborhood Advisory Committee on August 10, 2004 (Exs. 10 & 11), and notices were posted on the site and in the vicinity on September 22, 2004 (Ex. 21). Notice of the October 7, 2004 hearing date and the SEPA Determination of Nonsignificance (DNS) were published in the Columbian on September 22, 2004 (Ex. 16). The County received no appeals and only one comment (Ex. 23) on the SEPA Determination by the submission deadline of October 6, 2004. The single comment was from the Washington Department of Ecology, and did not warrant a response. Staff issued a comprehensive report on the project dated September 22, 2004 (Ex. 22) recommending approval of the proposed subdivision with conditions. Two written comments expressing several concerns were received from a near-by neighbor Linda Poer (Exs. 12 & 13).

At the commencement of the October 7th hearing, the Examiner explained the procedure and disclaimed any ex parte contacts, bias, or conflict of interest. No one objected to the proceeding, notice or procedure. No one raised any procedural objections or challenged the Examiner's ability to decide the matter impartially, or otherwise challenged the Examiner's jurisdiction.

At the hearing, Michael Uduk, County planning staff on the project, and Paul Knox, engineering staff, provided verbal summaries of the project, the staff report and the various agency and departmental comments in the record. The applicant's representative, Mathew Newman, of LDC Design Group, Neil Fernando, P.E., also of LDC Design Group, and Howard Stein, Transportation Engineer with CTS Engineering, described the project, explained details and responded to questions from the Examiner and the public. The applicant's representatives suggested a few changes to staff's recommended conditions of approval. Otherwise, the applicant's representatives concurred with staff's report and recommendation. Also testifying at the hearing in a neutral or opponent capacity were Linda Poer, John Sickonic and David Vamslui. The issues raised by these parties are discussed separately below. At the conclusion of the October 7th hearing, the Examiner closed the record and took the matter under consideration.

IV. Findings:

Only issues and approval criteria raised in the course of the application, during the hearing or before the close of the record are discussed in this section. All approval criteria not raised by staff, the applicant or a party to the proceeding prior to the close of the record have been waived as contested issues, and no argument with regard to these issues can be raised in any subsequent appeal. The Examiner finds those criteria to be met, even though they are not specifically addressed in these findings.

A. Public Testimony: The following issues were raised by parties to the proceeding, either neutral or opposed to the application, and the Examiner adopts the following findings with regard to each:

1. Linda Poer: Ms. Poer lives near the subject site on NE 59th Street. She submitted two letters (Exs. 12 & 13) and testified at the hearing, raising the following issues:

a) Stormwater runoff: Ms. Poer asks about the stormwater proposal for this development, whether it will cause saturation of her property, and where the detention facilities will be located. The applicant's stormwater design (Exs. 18 & 6, tab 14) does not involve infiltration (Ex. 6, tab 13), but will discharge stormwater collected from this site to a soon-to-be constructed detention facility in the near-by and recently approved Walnut Grove Subdivision (PLD2004-00056). The applicant's stormwater report is required to demonstrate that post-development rates of discharge from the site County will not exceed pre-development rates of discharge. County Engineering staff reviewed the proposal for compliance with the County's functional stormwater and design requirements and recommended conditional approval of the proposal (Ex. 19). On this basis, the Examiner has approved the design since it meets the County's stormwater requirements.

b) NE 59th Street stub: Ms. Poer expresses concern about the proposal to stub NE 59th Street and Walnut Court to the undeveloped property west of this site which includes her property. In particular, Ms. Poer is concerned about headlight glare and the potential of runaway vehicles crashing through the barricades and ending up in backyards of the homes west of the site.

The County's subdivision design and approval criteria do not address the headlight glare issue that Ms. Poer raises. Nighttime headlight glare is a common occurrence in modern subdivisions, given how many streets stub into or turn next to developed lots. While the developer in this case has volunteered to construct a sight-obscuring fence at these street stubs, the Examiner has no authority under the Clark County Code to require that measure. With regard to the runaway vehicle situation, the County's street standards required some sort of visible barricade at street stubs. These barricades are not required to withstand a particular crash force, but they are required to be visible under normal daytime and nighttime conditions. Again, drivers occasionally lose control and their vehicles leave the roadway. The County's subdivision approval standards do not address this possibility, and the Examiner lacks the authority to require this developer to do more than the County's subdivision and street design standards require. If a car happens to crash through either of these stub street barricades and causes damage to Ms. Poer's property, that would be a civil matter between her and the car's operator.

c) Pedestrian safety along NE 58th Street: Mr. Poer testified that NE 58th Street, along which this development fronts, is too narrow, lacks sidewalks and other pedestrian safety facilities, and currently experiences excessive vehicle speeds. Ms. Poer asks for a pedestrian crosswalk across NE 58th Street and other pedestrian facilities to facilitate safe pedestrian traffic between this development and the Walnut Grove subdivision across the street. According to Ms. Poer, the proximity of the elementary school north of the subject site makes the pedestrian safety issue all the more compelling.

While the Examiner agrees that pedestrian facilities appear to be deficient in the area, the County's subdivision standards and other legal requirements prevent the Examiner from requiring this developer to correct these existing infrastructure deficiencies. This developer is being required to provide street improvements for the property's frontage along NE 58th Street, including sidewalks (see Conditions A-2 & A-6), but off-site improvements are beyond the Examiner's authority to require. The record does not indicate an existing significant traffic or pedestrian safety hazard, nor that one be created as a direct result of this development. In that light, state law (RCW 82.02.020) and the County Code (CCC 40.350.030.6a) prohibit the Examiner from denying this proposal or requiring the developer to correct existing off-site deficiencies. The County will consider, and may construct, additional pedestrian facilities, such as a crosswalk across NE 58th Street, if circumstances warrant. For example, the County has already placed a crosswalk at the west side of the intersection of NE 58th Street and NE 76th Avenue Ave, approximately 200 feet from the proposed subdivision entrance.

d) Emergency vehicle turn-around: Ms. Poer asks about the emergency vehicle turn-around that is proposed to connect the western end of the two street stubs in this development. The connection is shown on the preliminary plans (Ex. 18) as a 20-foot wide concrete driveway for emergency vehicle turnaround. Staff clarified the design

requirements and indicated that an all-weather surface is required, and normal vehicle traffic will be precluded by bollards placed at both ends of the driveway.

2. John Sickonic: Mr. Sickonic, who lives on a lot that backs up to the subject site, testified that that traffic speeds on NE 58th Street are excessive and that pedestrians will be at risk with increased traffic volumes that would be caused by this development. Mr. Sickonic pointed out that there currently are no sidewalks along NE 58th Street. This is essentially the same issue raised by Ms. Poer, and the Examiner incorporates herein by this reference, his response set forth above.

Mr. Sickonic also testified about a mature Douglas fir tree on his back property line that extends over onto the development site. He asked what measures could or would be taken to protect this tree. This is another issue not addressed by the County's subdivision design standards and is beyond the Examiner's ability to impose conditions of approval. It appears however, that most of the tree's root system is within the setbacks for the new development lots and therefore may likely avoid damage from construction. However, any damage that might occur to the roots or limbs would be a civil matter between Mr. Sickonic and his new neighbors.

3. David Vamsluis: Mr. Vamsluis also raised the traffic safety issue on NE 58th Street similar to Ms. Poer and Mr. Sickonic. The Examiner incorporates his response to Ms. Poer herein by this reference.

Mr. Vamsluis also testified about a mature laurel hedge along his back property line that strays off of his property onto the site of this subdivision. As with Mr. Sickonic's tree, the County's subdivision standards do not address this issue or authorize the Examiner to condition or deny a development on this basis. To the extent the hedge is not located on his property, Mr. Vamsluis may not be able to prevent damage or removal of the hedge.

B. The Approval Criteria: The following issues were addressed by County staff members, in their reports or by agency comments on the application, and the Examiner adopts the following findings with regard to each:

LAND USE:

Finding 1: The R-18 residential district is intended to provide land exclusively for multi-family residential development based upon consistency with the comprehensive plan and compatibility with surrounding land uses. The following factors must be considered when reviewing an application for residential development in the R-18 district:

- Properties designated as urban medium density residential on the comprehensive plan map have a maximum density of 22 housing units per acre.
- The R-18 district zones (like all other medium and high density districts) are close to major streets with adequate capacity for vehicular and pedestrian circulation, adequate public water and sewer services, close to commercial services and close to public open space and recreation opportunities. A housing development proposed in the R-18 district is reviewed to ensure compatibility with adjacent land uses, including such issues as privacy, noise, lighting and design, CCC 40.220.020(A)(1)(a)(b).

CCC Table 40.220.020-1(1)(q) permits the development of single-family detached dwelling units in the R-18 district, using the review and approval (R/A) process. The applicant has submitted a land division request consistent with the requirements of CCC 40.540.040. Based on staff's favorable review (Ex. 22), the Examiner finds that the proposed development is feasible, and can comply with the applicable Clark County Code provisions based on the following findings:

Finding 2 – First Criterion: CCC 40.520.020 provides the approval criteria for permitted uses that require review and approval. The Examiner is required to make findings that the proposed use is compatible with the neighboring land uses and that the proposal meets the applicable County land use policies and goals. CCC 40.520.040 (A) & (B). CCC 40.520.040(C) also identifies 6 approval criteria, upon which a single-family detached dwelling can be reviewed and approved in the multi-family residential districts. The first criterion requires that:

The site of the proposed use is adequate in size and shape to accommodate the proposed use.

The site is approximately 2.94 acres. Table 40.220.020-1 (1)(q), is silent on the acreage necessary for single-family residential development in the multi-family zoning district. Therefore, the Examiner finds the development site is adequate and could contain the number of lots proposed. This criterion is met, and does not require a condition of approval.

Finding 3 – Second Criterion:

All setbacks, spaces, walls and fences, parking, loading, landscaping, and other features required by this title are provided.

The Examiner finds that the applicant will provide perimeter and street landscaping (Ex. 18, Sheet 7 of 7, Preliminary Landscape Plan); and individual homeowners will provide additional screening, such as fences and landscaping, on each lot to create the desired community aesthetic ambiance. The applicant has requested that side yard setbacks between buildings for Lots 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 be reduced to 6 feet. Staff recommended approval of the request subject to applicable International Building Code requirements and any requirements the Fire Marshal's Office may impose (Ex. 22). The Examiner finds also that the proposed subdivision, except for the 10 lots that have been granted reduced side yard setbacks, can comply with the following building setbacks and development standards in the R-18 district:

Table 2: Lot Setbacks, Lot Coverage and Building Height (Table 40.220.020-3)	
Front yard setback	20 feet
Side street setback	None (see fn 2 Table 40.220.020-3)
Side yard (interior) setback	None (see fn 2 Table 40.220.020-3)

Rear yard setback	None (see fn 2 Table 40.220.020-3)
Setback between buildings on site	8 feet (see fn 2 Table 40.220.020-3) ¹
Maximum Lot coverage	50 %
Maximum building height	35 feet (see fn 3 Table 40.220.020-3)

See Conditions A-13, C-1, C-3 & D-1.

Finding 4 – Third Criterion:

The proposed use is compatible with neighborhood land use.

The Examiner finds that the proposed use is compatible with existing land uses in the area because it is a residential subdivision that is surrounded by other residential subdivisions and an elementary school. The applicant provided plans showing a building envelope on each lot and the conceptual floor plan for each proposed housing, (Ex. 18, Sheet 6 of 7). The property to the north is Walnut Grove Elementary School; and immediately on the east and on the south, are Robins Glen Subdivision Phase II and the proposed Walnut Grove Subdivision, respectively. Walnut Grove Subdivision proposes housing development similar to those proposed for Walnut Village. To the west are acreage single-family home sites. The Examiner finds that standard is met and that no condition of approval is necessary.

Finding 5 – Fifth Criterion:

The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.

NE 58th Street runs east-west on the site's south boundary. The applicant shall dedicate additional half-width roadway and construct improvements along the property's NE 58th Street frontage. See Conditions A-5 & A-8. The applicant is proposing a new street, NE 75th Avenue, running north-south, that intersects with NE 58th Street to the south terminating with a private street to serve Lots 28, 29, and 30. NE 75th Street will not extend further north from this site because the abutting property is an elementary school play ground. NE Walnut Court and NE 59th Street are proposed as east-west streets to provide additional circulation in the area when the parcels west of this site develop. At the western terminus of NE Walnut Court and NE 59th Street, the applicant shall provide a 20 foot wide easement for emergency vehicular turnaround. The Examiner finds that the implementation of these street improvements will provide adequate traffic circulation in the area. See Conditions A-1 through A-8.

Finding 6 – Fifth Criterion:

¹ The applicant proposes 10 lots (Lots 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17) to have reduced side yards of 6 feet.

The proposed use will have no substantial adverse effect on abutting property or the permitted use thereof.

The neighbors expressed concerns about stormwater, erosion control and traffic problems, including the lack of pedestrian sidewalks, in the area (Exs. 12 & 13). The neighbors also question whether the applicant has provided adequate emergency turnaround with this development proposal.

The Examiner's role is to ensure that this development complies with the mandatory subdivision approval criteria adopted by the Board of Commissioners and set forth in the Development Code (CCC Title 40). This requires the developer to mitigate potential stormwater and erosion control and transportation impacts in the area. The applicant is proposing an underground stormwater system to serve this development (Ex. 18 & 6, tabs 13 & 14). In Finding 5, the Examiner discussed the street configuration proposed by the applicant to provide circulation and emergency vehicular turnaround. The specifics and technical analysis of the feasibility of the proposed stormwater drainage system are provided by the Engineering Services Staff (Ex. 19). The developer is not required to mitigate existing problems or system deficiencies that are not caused by the proposed development.

Finding 7 – Sixth Criterion:

In the case of residential uses, the housing density of the development is consistent with the existing zoning densities, or the general plan, and that all other aspects of the development are consistent with the public health, safety, and general welfare for the development and for adjacent properties.

The Examiner finds the proposed number of lots (37) complies with the density allowed by Table 40.220.020-2, for the net developable land in the R-18 zone. The gross acreage could be divided into a maximum of 52 or a minimum of 35 single-family lots. See the applicant's narrative (Exs. 18, 6, tab 2). A table in the narrative shows that, of the 2.94 acres, approximately 0.91 acres are dedicated for public and private street rights-of-way, and the net developable property is approximately 2.03 acres, which the applicant proposes to divide into 37 single-family lots. Based on Staff's favorable recommendation (Ex. 22), the Examiner finds that the number of lots proposed complies with the applicable density in the R-18 district. The proposed development provides a range of lot sizes, the largest being 3,843 sf and the smallest approximately 2,160 sf. CCC Table 40.220.020-2 provides the minimum lot size and dimensions for the R-18 zone. Based on the applicant's proposal (Ex. 18), the Examiner concludes that the dimensional requirements are, or can be, met. On this basis, the Examiner finds that the proposed development will not adversely impact public health, safety, and general welfare of those residing in the area. See Condition A-13.

TRANSPORTATION CONCURRENCY:

Finding 1 – Concurrency, Site Access: The applicant's traffic study (Ex. 6, tab 16) estimates the weekday AM peak hour trip generation at 27 new trips, and PM peak hour trip generation at 36 trips. The following findings address two transportation issues for the proposed development. The applicant submitted a traffic study for this proposal in accordance with CCC 40.350.020(B) and is required to meet the standards

established in CCC 41.350.020(G) for corridors and intersections of regional significance. The County's Traffix™ model includes the intersections of regional significance in the area and the County's model was used to evaluate concurrency compliance. Level of service (LOS) standards is not applicable to accesses that are not regionally significant; however, the LOS analysis provides information on the potential congestion and safety problems that may occur at the site access to the public roadway network. The Examiner finds that access onto NE 58th Street appears to maintain acceptable LOS, and no condition of approval is required.

Finding 2 – Concurrency, Operating LOS on Corridors: The proposed development was subject to concurrency modeling. The modeling results indicate that corridor operating levels will comply with travel speed and delay standards. The applicant shall reimburse the County for costs incurred in running the concurrency model. See Condition A-14.

Finding 3 – Concurrency, Intersection Operating LOS: The proposed development was subject to concurrency analysis for intersections of regional significance. Capacity analyses were also conducted for impacts to public roadway intersections adjacent to the proposed development site. The study reports acceptable operating levels for the following County intersections.

- NE 72nd Avenue/NE 63rd Street
- NE 72nd Avenue/NE 58th Street

Finding 4 – Adjacent Jurisdictions: Although the subject site is located in Clark County, the development generates traffic that will affect Vancouver's transportation system. The County notified the City of Vancouver and forwarded a traffic study for review and comment. Vancouver provided favorable comments (Ex. 17) and requested reimbursement for its cost of running its concurrency model for this development. See Condition A-15. Based on the foregoing findings, the Examiner concludes that the proposed development meets the requirements of the City's and the County's Concurrency Ordinance CCC 40.350.020.

Finding 5 – Safety, Turn Lane Warrants: Where applicable, a traffic study shall address the following safety issues:

- Traffic signal warrant analysis,
- Turn lane warrant analysis,
- Accident analysis, and
- Any other issues associated with highway safety.

CCC 40.350.030.6a prohibits the County from requiring a developer to provide mitigation for an off-site safety deficiencies. The code section, which authorizes only denial in the case of a significant traffic safety hazard that is off-site, provides that:

“Nothing in this section shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in Section 40.350.020 or a significant traffic or safety hazard would be caused or materially aggravated by the proposed development: provided that the developer may voluntarily agree

to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020.”

Turn lane warrants are evaluated at un-signalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway. The applicant's traffic study (Ex. 6, tab 16) analyzed the roadways in the local vicinity of the site to determine if turn lane warrants are met. Turn lane warrants were not met at any of the un-signalized County intersections analyzed in the applicant's traffic study; therefore, no mitigation is required.

Finding 6 – Historical Accident Situation: The applicant's traffic study analyzed the accident history at the regionally significant intersections. All of the historical accident rates at these intersections are below 1 accident per million entering vehicles. Therefore, no mitigation is required.

Finding 7 – Traffic Controls during Construction: During site development activities, the public transportation system (roadways, sidewalks, bicycle lanes, etc.) may be temporarily impacted. In order to minimize these impacts and coordinate work occurring in the public right-of-way, the applicant shall prepare and obtain approval of a Traffic Control Plan. See Condition B-1. The applicant shall maintain all existing signs within the public right of way within the limits of the development's construction until the public roads have been accepted by the County. The developer shall install and maintain temporary signs where the development's signing and striping plan shows new or modified warning or regulatory signs. New or modified temporary signing shall be installed when any connection is made to the public road network. The developer shall remove the temporary signs immediately after the County installs the permanent signing and striping.

Finding 8 – City of Vancouver Concurrency Comments: Based upon an inter-local government agreement signed with the County on July 21, 1998, the City of Vancouver Concurrency Staff reviewed the proposed Walnut Village Subdivision and provided the findings, conclusions and a condition of approval (Ex. 17). The City's review does not raise any new issues and does not necessitate any new conditions other than a requirement that the applicant reimburse \$570 to the City for the cost of running its concurrency model. See Condition A-15.

FIRE PROTECTION:

Finding 1 – Fire Marshal Review: This application was reviewed by the Fire Marshal's Office, which provided proposed conditions of approval (Ex. 14). The developer shall comply with all of these recommended conditions. See Condition E-5. Where there are difficulties in meeting these conditions or if additional information is required, the developer shall contact the Fire Marshal's office immediately.

Finding 2 – Building Construction: Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be imposed at the time of building construction as a result of the permit review and approval process. See Condition E-5.

Finding 3 – Fire Flow: Fire flow in the amount of 1,000 gallons per minute supplied at 20 pounds per second for 60 minutes duration is required for this application. A

utility review from the water purveyor (Ex. 6, tab 18) indicates that the required fire flow is available at the site. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. See Condition A-16.

Finding 4 – Fire Hydrants: Fire hydrants are required for this application. The applicant shall provide fire hydrants so that the maximum spacing between hydrants does not exceed 700 feet and no lot or parcel is farther than 500 feet from a fire hydrant as measured along approved fire apparatus access roads. See Condition A-17. Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact the Vancouver Fire Department at 360-696-8166 to arrange for location approval. The applicant shall provide and maintain a 6-foot clear space completely around every fire hydrant. See Conditions E-5, A-16 & A-17.

Finding 5 – Fire Apparatus Access: Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standards. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus. See Condition C-2.

Finding 6 – Fire Apparatus Turnarounds: Due to the emergency access connection between the western termini of NE 59th Street and Walnut Court, fire apparatus turnarounds are not required for this project

WATER & SEWER SERVICE:

Finding 1: The City of Vancouver provides public water and sewer services in the area. The utility reviews submitted by applicant (Ex. 6, tab 18) indicate that adequate water and sewer services exist in the area to serve this development.

Finding 2: Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county, e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy. The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site are connected to water and sewer systems. The Health Department Final Approval Letter will confirm that all existing wells and septic systems have been abandoned, inspected and approved by the Health Department (if applicable). See Condition E-3.

Finding 3 Other Health Concerns: The house and storage buildings will be removed. All demolition wastes must be properly disposed consistent with county demolition permit requirements. The applicant shall provide proof of appropriate waste disposal in the form of receipts to the Health Department with requests for confirmation that the conditions for final plat approval have been satisfied. See Condition A-18. If underground storage tanks exist on the property, they must be identified and

decommissioned in place consistent with the Uniform Fire Code under permit from the Fire Marshal. Any leaks or contamination must be reported to Washington State Department of Ecology, and proof of removal or abandonment (of the tank) must be submitted to the Health Department prior to final plat recording. See Condition A-19.

TRANSPORTATION:

Finding 1 – Circulation Plan: According to staff (Ex. 19), the circulation plan submitted with the application (Ex. 6, tab 16) does not meet the requirements of CCC 40.350.030(B)(2). The plan does not adequately show how the proposed streets will allow subsequent development of the adjacent properties to comply with the requirements of the standard. Instead, the proposed street design appears to be designed to maximize the number of lots on the site with no regard given to the surrounding conditions or the feasibility of the redevelopment of the underdeveloped properties adjoining the site. The proposed street stubbed to the western property lines are directly aligned with the existing houses, requiring their demolition for any future extension of this road. Four large lots fronting on NE 58th to the west of the site can be readily redeveloped if a road stub were to be near the center of the large backyard areas of the properties. It appears that this goal can be accomplished without substantially changing the lot layout by transitioning the alignment of NE Walnut Court to the north through a pair of reversing curves which begin near the west boundary of the site. Therefore, the applicant shall redesign NE Walnut Court to accommodate a future alignment west of the site which will allow for the future development of the properties to the west of the site. See Condition A-1.

North-south vehicular circulation is effectively prevented by the presence of the Walnut Grove Elementary School north of this site. However, the project offers an opportunity to extend a pedestrian access to the school property along the private road at the site's northeast corner. Such an access will provide a safe walking path to the school and will allow the applicant to comply with the circulation plan review criteria given in CCC 40.350.030(B)(2)(c). See Condition A-2.

Finding 2 – On-site Roads: The applicant proposes the onsite roads (NE 75th Avenue, NE 59th Street and NE Walnut Court) to meet the county's standards for a local residential access road. The minimum improvements for this roadway required by CCC Table 40.350.030-4 and the Standard Details Manual, Standard Drawing #14, include:

- A minimum right-of-way width of 46 feet
- A minimum roadway width of 28 feet
- Curb and gutter
- Minimum sidewalk width of 5 feet

The development shall design and construct NE 75th Avenue, NE 59th Street and NE Walnut Court and related improvements to comply with these dimensional requirements. See Condition A-3.

The applicant proposes a private road at the site's northeast corner. The applicant has submitted a revised plan which shows a 12-foot wide road with sidewalk on the east side, which complies with the minimum requirements for private roads are given CCC 40.350.030(B)(10). The proposed private road does not conflict with the

Arterial Atlas of Clark County, does not connect two public roads, and does not serve more than 100 lots. The road is not needed for public vehicular circulation. As was discussed above in Transportation Finding 1, there is an opportunity to provide a safe walking path to the adjacent school in this area. However, this need can be met through the provision of dedicated public pedestrian access easement along on the sidewalk. See Condition A-2. In accordance with the requirements of CCC 40.350.030(B)(10)(b)(2), parking shall be prohibited on private roads less than 24-foot wide. The developer shall be responsible for installation of "No Parking" signs along the private road. See Condition A-4. In accordance with the requirements of CCC 12.05A.270(3), the following statement shall be shown on the face of the plat: "Clark County has no responsibility to improve or maintain the private roads contained within or private roads providing access to the property described in this plat. Any private access street shall remain a private street unless it is upgraded to public street standards at the expense of the developer or adjoining lot owners to include hard surface paving and is accepted by the County for public ownership and maintenance". See Condition D-11.

Finding 3 – Abutting Roads: The applicant proposes to improve NE 58th Street, which abuts the project to the north, to the standards of an urban 2-lane collector (C-2). The minimum improvements for this roadway in accordance with CCC Table 40.350.030-2 and the Standard Details Manual, Standard Drawing #12, include:

- A minimum half-width right-of-way width of 30 feet
- A minimum half-width roadway width of 19 feet
- Curb and gutter
- Minimum detached sidewalk width of 6 feet
- Landscaping

The development shall dedicate, design and construct NE 58th Street and related improvements that comply with these dimensional requirements. See Condition A-5.

Finding 4 – Intersection Design: In accordance with the requirements of CCC 40.350.030(B)(7), the intersection of NE 75th Avenue with the collector road NE 58th Street shall have a minimum corner radius of 25 feet along the right-of-way lines and shall require the chord of the radius. The county will accept an easement for this chord instead of right-of-way. The minimum curb radius at this intersection shall be 35 feet as required by CCC Table 40.350.030-2. See Condition A-6. The proposed intersection of NE 75th Avenue and NE 58th Street does not meet the minimum spacing requirements for urban collectors in CCC Table 40.350.030-2. The applicant has applied for a road modification under CCC 40.550.010. See Transportation Finding 8 (Road Modification).

Finding 5 – Access: No lot shall be allowed to take direct access to NE 58th Street, a 2-lane Urban Collector road. See Condition D-9. All driveways shall comply with the Transportation Standards and the requirements of the Fire Marshal. The Fire Marshal's requirements shall take precedence when they are more stringent than the Transportation Standards. See Condition E-6.

Finding 6 – Sight Distance: The approval criteria for sight distances are found in CCC 40.350.030(B)(8). This section establishes minimum sight distances at intersections and driveways. See Condition A-7.

Finding 7 – Bicycle / Pedestrian Circulation: The applicant shall be responsible for the installation of the sidewalks along NE 58th Street and the pedestrian accessway to the Walnut Grove Elementary School. The remaining sidewalks are the responsibility of the builders of the future houses. See Condition A-8. As discussed above, a pedestrian accessway along the private road at the site's northeast corner will provide a safe walking path to the school and will allow the applicant to comply with the circulation plan review criteria in CCC 40.350.030(B)(2)(c). This accessway shall be reviewed and approved by the County with the final construction plans for the project, and constructed by the developer prior to recordation of the final plat. See Condition A-2. All sidewalks, driveway aprons, and road intersections shall comply with the Americans with Disabilities Act.

Finding 8 – Road Modification: The applicant requested one road modification (Ex. 6, tab 19) to allow NE 75th Avenue to be constructed 190 feet from the intersection of NE 76th Avenue, instead of the minimum 275 feet required by CCC Table 40.350.030-2. County Engineering staff reviewed the request and recommended approval (Ex. 20).

Approval Criteria: If a development cannot comply with the Transportation Standards, a road modification may be granted under CCC 40.550.010, which requires that at least one of the following four criteria be met:

- (i) *Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative, which can accomplish the same design purpose, is available.*
- (ii) *A minor change to a specification or standard is required to address a specific design or construction problem, which, if not enacted, will result in an unusual hardship.*
- (iii) *An alternative design is proposed which will provide a plan equal to or superior to these standards.*
- (iv) *Application of the standards of the Transportation Standards to the development would be grossly disproportional to the impacts created.*

Discussion of the modification request: The applicant claims that, no matter where the new road (NE 75th Avenue) is located, it cannot meet the minimum spacing requirement. Even if the road were located along the west property line, the intersection would be only 230 feet from the existing intersection of NE 72nd Avenue and NE 58th Street. If the proposed new road were located along the west property line the property would not meet the required minimum density for the site.

Staff disagreed with the applicant that the proposed road configuration is necessary for the site to meet the required minimum density (Ex. 20). The challenges the applicant faces are largely due to its choice to develop the site with detached single-family homes. R-18 zoning is generally best suited to multi-family housing, such as apartments. Therefore, any difficulty in achieving the required minimum density appears to be self-imposed and, as such, is not a sufficient reason to grant the road

modification. The Examiner, however, agrees that the site is constrained due to its size and shape in a way that makes it impossible to comply with the county's intersection spacing standards. There is no significant benefit from relocating NE 75th Avenue to maximize intersection spacing. See Transportation Finding 1-Circulation.

Based on the foregoing findings and the Transportation Standards, the Examiner approves the road modification as requested. Based upon the foregoing findings, the site's characteristics, the proposed transportation plan, and the requirements of the County's transportation ordinance, the Examiner concludes that the proposed preliminary transportation plan, subject to Conditions A-1 through A-8 and C-3, meets the requirements of the county transportation ordinance.

STORMWATER:

Finding 1- Applicability: The Stormwater and Erosion Control Ordinance (CCC chapter 40.380, adopted July 28, 2000, amended July 30, 2002 and September 17, 2002), applies to development activities that result in 2,000 sf or more of new impervious area within the urban area; the platting of single-family residential subdivisions in an urban area; and all land disturbing activities, except those exempt in CCC 40.380.030. This project will create more than 2,000 sf of new impervious surface. It involves platting a single-family residential subdivision, and it is a land disturbing activity not exempt under CCC 40.380.030. Therefore, this development is subject to, and shall comply with, the Stormwater and Erosion Control Ordinance, CCC chapter 40.380.

Finding 2 - Stormwater Proposal: The applicant submitted a soils report (Ex. 6, tab 13), a preliminary stormwater report (Ex. 6, tab 14) and a preliminary stormwater plan (Ex. 18). Staff provided a comprehensive review of the proposal and recommended approval (Ex. 19). The project proposes to collect the runoff from the buildings, new pavement and sidewalks in curb inlets and convey these flows into a storm system located in the public streets, from which flows will be conveyed to an offsite stormwater facility located within the Walnut Grove Subdivision (PLD2004-00056), located directly south, across NE 58th Street. Runoff will be treated in a biofiltration swale located around the perimeter of the detention pond at the site's southeast corner. The soils underlying the site are not well suited to infiltration, so the stormwater will be detained in detention pond located near the water quality treatment swale, and discharged at rate not exceeding predevelopment peak flows into an existing 12-inch storm sewer pipe in NE 56th Avenue. The stormwater management facility is proposed to be owned and maintained by the county

Finding 3 – Site Conditions and Stormwater Issues: Infiltration of the 100-year storm is the preferred method for stormwater disposal from development sites where local soil types and groundwater conditions are suitable. The applicant's soil analysis (Ex. 6, tab 13) shows that the soils under the site are poorly suited to infiltration. As a result, infiltration has not been proposed as the method of stormwater disposal. The report noted that groundwater was not encountered in test pits excavated in May 2004 to a maximum depth of 10 feet, and notes that perched groundwater commonly occurs in the soil setting which underlies this project, particularly during the wet season. See Earthwork Finding 1 for additional discussion of subsurface conditions.

Neighboring property owners expressed concern regarding drainage in the area and the potential for the subdivision to increase stormwater runoff onto their properties (Exs. 12 & 13). According to CCC 40.380.040(C)(1)(g), no development within an urban growth area shall be allowed to materially increase or concentrate stormwater runoff onto an adjacent properties or block existing drainage from adjacent lots. The final construction plans and stormwater report shall clearly describe the measures that are proposed to prevent runoff onto adjacent properties. See Condition A-9.

According to CCC 40.380.040(C)(1)(h), all lots in the urban area must be designed to provide positive drainage from the bottom of footings to an approved stormwater system. See Condition A-10.

Finding 4- Stormwater Quantity and Control Facilities: Stormwater quantity and quality control for the site is proposed to be provided at an offsite stormwater facility located within the adjacent Walnut Grove Subdivision. The stormwater issues related to this proposed facility are discussed in detail in the staff report for the Walnut Grove project (PLD2004-00056). In the event that stormwater management cannot be provided in the offsite facility, the applicant shall ensure that adequate stormwater quantity and quality control facilities for the site will be provided in accordance with the requirements of Stormwater and Erosion Control Ordinance, CCC 40.380. See Condition A-11.

Based on the development site characteristics, the proposed stormwater plan, the requirements of the County's stormwater ordinance, and findings above, the Examiner concludes that the proposed preliminary stormwater plan, subject to Conditions A-9 through A-11, is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

EXCAVATION AND GRADING:

Finding 1- Subsurface Conditions: Excavation and grading associated with this project is subject to, and shall comply with, CCC 14.040.020, the Clark County Building Code. The code and this review adopt by reference Appendix Chapter J of the 2003 International Building Code. Provisions of Appendix Chapter J apply to all grading activities except those exempt under Section J103.2, as amended by CCC 14.05.9000.J103.2. The applicant shall perform all grading activities on the site in accordance with the recommendations of Preliminary Geotechnical Engineering Report prepared by GeoPacific Engineering, dated May 14, 2004. Clark County Community Development inspection personnel shall verify that all fill and debris material has been removed from the site, in addition to the project geotechnical engineer. See Condition A-12.

Based upon the development site characteristics, the geotechnical evaluation and the Clark County Building Code, and findings above, the Examiner concludes that the proposed preliminary development plan, subject to Condition A-12, is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

IMPACT FEES:

Finding 1: The site is located in Vancouver School District, Parks Improvement District 7 and the Orchards Traffic Impact Fee District. All new homes built on all lots in this development will impose new service demands on the local schools, park facilities and transportation system. Therefore, all new homes in this development

(36 of them, which excludes the existing home on the site) shall be subject to a School Impact Fee (SIF), a Park Impact Fee (PIF) and a Traffic Impact Fee (TIF) to help pay the cost of providing new system infrastructure to serve the new demand. Pursuant to CCC chapter 40.610, each of the new single-family dwellings in this subdivision shall be subject to the following impact fees, payable at the time building permits are issued:

- Park Impact Fees: \$1,885 (Acquisition - \$1,445, Development - \$440)
- Traffic Impact Fees: \$1,342.19
- School Impact Fees: \$1,725

The impact fees for dwelling units on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated [REDACTED], and expiring on [REDACTED]. Impact fees for permits applied for following this expiration date shall be recalculated using the then-current regulations and fees schedules. See Condition B-3 and plat note D-4.

SEPA DETERMINATION

Based on the application materials and agency comments, staff determined that there were no probable significant adverse environmental impacts associated with this proposal that could not be avoided or mitigated through the conditions of approval listed below. Accordingly, the County, as the lead agency, determined that an environmental impact statement was not needed. The County issued and published its Determination of Nonsignificance for this project on September 22, 2004 (Exs. 16 & 22). No timely appeals and only one comment (Ex. 23) were received by the comment and appeal deadline of October 6, 2004. The single comment from the Department of Ecology does not warrant a change to the original SEPA determination, and it is final.

V. Decision and Conditions:

Based on the foregoing findings and except as conditioned below, this application is approved in general conformance with the applicant's proposal, preliminary plat (Ex. 18) and the plans and reports associated with this proposal (Ex. 6). This approval is granted subject to the requirements that the applicant, owner or subsequent developer (the "developer") shall comply with all applicable code provisions, laws and standards and the following conditions. These conditions shall be interpreted and implemented consistently with the foregoing findings.

A. Conditions that shall be met prior to Final Plat approval, or which may with County approval be bonded for and performed prior to building permit issuance according to CCC 40.350.030(C)(4)(i) & (j) and 40.380.040(N):

Transportation:

- A-1 The applicant shall redesign NE Walnut Court to accommodate a future alignment west of the site which will allow for the future development of the properties to the west of the site. See Transportation Finding 1.
- A-2 In order to provide a safe walking path to the adjacent school in this area and to comply with the circulation plan review criteria in CCC 40.350.030(B)(2)(c), the

applicant shall construct and dedicate a pedestrian accessway to the Walnut Grove Elementary School, located within a dedicated public pedestrian access easement. This accessway shall be reviewed and approved by the County with the final construction plans for the project, and constructed by the developer prior to recordation of the final plat. See Transportation Findings 1, 2 & 7.

- A-3 The applicant shall improve NE 75th Avenue, NE 59th Street, and NE Walnut Court to the standards of local access roads provided in CCC Table 40.350.030-4 and the Standard Details Manual, Standard Drawing #14. See Transportation Finding 2.
- A-4 The developer shall be responsible for installation of “No Parking” signs along the private road near the site’s northeast corner. See Transportation Finding 2.
- A-5 The applicant shall install partial-width improvements to NE 58th Street to the standards of an urban neighborhood circulator road in accordance with CCC Table 40.350.030-2 and the Standard Details Manual, Standard Drawing #12. See Transportation Finding 2.
- A-6 In accordance with the requirements of CCC 40.350.030(B)(7), the intersection of NE 75th Avenue with the collector road NE 58th Street shall have a minimum corner radius of 25 feet along the right-of-way lines and shall require the chord of the radius. The county will accept an easement for this chord instead of right-of-way. The minimum curb radius at this intersection shall be 35 feet as required by CCC Table 40.350.030-2. See Transportation Finding 4.
- A-7 Proposed intersections and driveways shall be constructed accordance with, and shall meet, the sight distance requirements of CCC 40.350.030(B)(8). See Transportation Finding 6.
- A-8 The applicant shall be responsible for the installation of the sidewalks along NE 58th Street and the pedestrian accessway to the Walnut Grove Elementary School. See Transportation Finding 7.

Stormwater:

- A-9 In accordance with CCC 40.380.040(C)(1)(g), no development within an urban growth area shall be allowed to materially increase or concentrate stormwater runoff onto adjacent properties or block existing drainage from adjacent lots. The final construction plans and stormwater report shall clearly describe the measures proposed to prevent runoff onto adjacent properties.
- A-10 In accordance with CCC 40.380.040(C)(1)(h), all lots in the urban area shall be designed to provide positive drainage from the bottom of footings to an approved stormwater system. See Stormwater Finding 3.
- A-11 In the event that stormwater management cannot be provided in the offsite facility, the applicant shall ensure that adequate stormwater quantity and quality control facilities for this development are, or will be, provided in accordance with the requirements of Stormwater and Erosion Control Ordinance, CCC chapter 40.380. See Stormwater Finding 4.

- A-12 The applicant shall perform all grading activities on the site in accordance with the recommendations of Preliminary Geotechnical Engineering Report prepared by GeoPacific Engineering, dated May 14, 2004. Clark County Community Development inspection personnel shall verify that all fill/debris material has been removed from the site, in addition to the project geotechnical engineer. See Excavation and Grading Finding 1.

Land Use:

- A-13 Each lot proposed in this subdivision shall comply with the development requirements per Table 40.220.020-1 and Table 40.220.020-2 regarding minimum lot width, lot depth, lot area, lot coverage and building height standards. See Land Use Findings 3 & 7.

Concurrency:

- A-14 The applicant shall reimburse the County for the cost of concurrency modeling incurred in determining the impact of the proposed development, in an amount not to exceed \$1,000. The reimbursement shall be made within 60 days of issuance of this decision with evidence of payment presented to staff at Clark County Public Works. See Transportation Concurrency Finding 2.
- A-15 The applicant shall reimburse the City of Vancouver for the cost of concurrency modeling incurred in determining the impact of the proposed development, in an amount not to exceed \$570. The reimbursement shall be made within 60 days of issuance of the issuance of this decision with evidence of payment presented to staff at Clark County Public Works. See City of Vancouver Finding 1.

Fire Protection:

- A-16 Fire flow in the amount of 1,000 gallons per minute supplied for 60 minutes duration is required for this application. A utility review from the water purveyor indicates that the required fire flow is not currently available at the site. Additions to water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. See Fire Protection Finding 3.
- A-17 Fire hydrants are required for this application. The applicant shall provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads. See Fire Protection Finding 4.

Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact the Vancouver Fire Department at 360-696-8166 to arrange for location approval. The applicant shall provide and maintain a six-foot clear space completely around every fire hydrant. See Conditions B-1, A-16 & A-17 and Fire Protection Finding 4.

Health Department:

- A-18 All demolition wastes must be properly disposed consistent with county demolition permit requirements. The applicant shall provide proof of appropriate

waste disposal in the form of receipts to the Health Department with requests for confirmation that the conditions for final plat approval have been satisfied. See Health Department Finding 3.

- A-19 If underground storage tanks are discovered on the property, they shall be identified and decommissioned in place consistent with the Uniform Fire Code under permit from the Fire Marshal. Any leaks or contamination shall be reported to Washington State Department of Ecology, and proof of removal or abandonment (of the tank) must be submitted to the Health Department prior to final plat recording. See Health Department Finding 3.

B. The following conditions shall be met prior to issuance of Building Permits:

- B-1 Concurrency: Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system. See Transportation Concurrency Finding 7.
- B-2 Fire Protection: Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be imposed at the time of building construction as a result of the permit review and approval process. See Fire Protection Finding 2.
- B-3 Impact Fees: Pursuant to CCC chapter 40.610, all new single-family dwelling units in this development (36 of them, which excludes the existing home on the site) shall pay the following single-family impact fees at the time building permits are issued:
1. \$1,885 PIF (consisting of \$1,445 for acquisition, and \$440 for development) per new single-family dwelling in Park District 7;
 2. \$1,725 SIF per new single-family dwelling in the Vancouver School District; and
 3. \$1,342.19 TIF per new single-family dwelling in Orchards Traffic Impact fee district.

The impact fees for dwelling units on this plat shall be fixed for a period of 3 years, beginning from the date of preliminary plat approval, dated [REDACTED], and expiring on [REDACTED]. Impact fees for permits applied for following this expiration date shall be recalculated using the then-current regulations and fees schedules." See Impact Fees Finding 1 and Plat Note D-4.

C. The following conditions shall be met prior to issuance of Occupancy Permits:

- C-1 Landscaping: The applicant shall implement the landscaping plan identified as Sheet 8 of 8 on Ex. 18, and attached to this report. See Land Use Finding 3.
- C-2 Fire Protection: Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application shall meet the

requirements of the Clark County Road Standard. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus. See Fire Protection Finding 5.

- C-3 Transportation: Sidewalks along the frontage of each residential lot shall be constructed prior to the issuance of occupancy permit for that residence. See Transportation Finding 6.

D. The following notes shall be placed on the final plat:

- D-1 Land Use: "Lots 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 are granted a reduction in the side yard setback between buildings to 6 feet, except that the buildings on each of these lots shall comply with any applicable requirements imposed under the International Building Code or any standards or conditions imposed by the Fire Marshal's office." See Land Use Finding 3.
- D-2 Archaeology: "If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."
- D-3 Mobile Homes: "Placement of Mobile Homes is prohibited."
- D-4 Impact Fees: "In accordance with CCC chapter 40.610, School, Park and Traffic Impact Fees shall be paid for all new dwelling units constructed in this development. Each new single-family dwelling shall be subject to the following impact fees at the time of building permit issuance: \$1,725 SIF per new single-family dwelling in the Vancouver School District, \$1,885 PIF (consisting of \$1,445 for acquisition, and \$440 for development) per new single-family dwelling in Park District 7), and \$1,342.19 TIF per new single-family dwelling in Orchards Traffic Impact fee district. The impact fees for dwelling units on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated [REDACTED], and expiring on [REDACTED]. Impact fees for permits applied for following this expiration date shall be recalculated using the then-current regulations and fees schedule."
- D-5 Sidewalks: "Prior to issuance of occupancy permits, sidewalks shall be constructed along all lots as noted. Sidewalks considered to be the responsibility of the developer, shall be constructed prior to final plat approval."
- D-6 Utilities: "An easement is hereby reserved under and upon the exterior 6 feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior 6 feet along the front boundary lines of all lots adjacent to public streets."

- D-7 Critical Aquifer Recharge Areas: "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."
- D-8 Erosion Control: "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."
- D-9 Driveways: "No direct access is allowed onto the following streets: NE 58th Street."
- D-10 Driveways: "All residential driveway approaches entering public roads are required to comply with CCC chapter 40.350."
- D-11 Private Roads: "Clark County has no responsibility to improve or maintain the private roads contained within or private roads providing access to the property described in this plat. Any private access street shall remain a private street unless it is upgraded to public street standards at the expense of the developer or adjoining lot owners to include hard surface paving and is accepted by the County for public ownership and maintenance."
- D-12 Utilities: "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."

E. Standard Conditions that shall be met:

- E-1 Land Division: Within 5 years of the effective date of this decision, the developer shall submit to the Planning Director a fully complete final plat consistent with CCC 40.540.070 and the requirements of this preliminary plat approval. Otherwise, this preliminary plat approval shall be null and void.
- E-2 Landscaping Plans: Prior to recording the final plat, the developer shall submit a copy of the approved landscape plan(s) for any public right-of-way (if applicable) with a letter signed and stamped by a landscape architect licensed in the state of Washington certifying that the landscape and irrigation (if any) have been installed in accordance with the attached approved plan(s) and verifying that any plant substitutions are comparable to the approved plantings and suitable for the site.
- E-3 Water and Septic Systems: Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Well/Septic Abandonment Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county, e.g., at

Final Construction Plan Review, Final Plat Review or prior to occupancy. See Water and Sewer Services Finding 2.

- E-4 Abandonment of well and septic system, connection to public systems: Any existing wells or septic systems shall be decommissioned by a suitably qualified professional. The developer shall submit an acceptable "Health Department Final Approval Letter" to the county at the time specified in the evaluation letter. The homes in this development shall be connected to public water and sewer services. See Water and Sewer Services Finding 2.
- E-5 Fire Protection: Building construction occurring subsequent to this application shall comply with the Fire Marshall's comments (Ex. 14) and the county's building and fire codes. Additional specific requirements may be imposed at the time of building construction as a result of the permit review and approval process. See Fire Protection Finding 1.
- E-6 Fire Protection: All driveways shall comply with the Transportation Standards and the requirements of the Fire Marshal. The Fire Marshal's requirements shall take precedence when they are more stringent than the Transportation Standards. See Transportation Finding 5.
- E-7 Pre-Construction Conference: Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.
- E-8 Erosion Control: Prior to construction, the developer shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC chapter 40.380.
- E-9 Erosion Control: A copy of the approved erosion control plan shall be submitted to the Chief Building Official prior to final plat recording.
- E-10 Erosion Control: Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
- E-11 Erosion Control: Erosion control facilities shall not be removed without County approval.
- E-12 Excavation and Grading: Excavation/grading shall be performed in compliance with Appendix Chapter 33 of the Uniform Building Code (UBC).
- E-13 Excavation and Grading: Site excavation/grading shall be accomplished, and drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.
- E-14 Transportation: Prior to construction, the developer shall submit and obtain County approval of final transportation design plans in conformance with CCC chapter 40.350.

- E-15 Stormwater: Prior to construction, the developer shall submit and obtain County approval of a final stormwater design plan in conformance with CCC chapter 40.380.
- E-16 Landscaping: Prior to recording the final plat, the applicant shall submit a copy of the approved landscape plan(s) for any public right-of-way (if applicable) with a letter signed and stamped by a landscape architect licensed in the state of Washington certifying that the landscape and irrigation (if any) have been installed in accordance with the attached approved plan(s) and verifying that any plant substitutions are comparable to the approved plantings and suitable for the site.

Date of Decision: October, ____, 2004.

By: _____
Daniel Kearns,
Land Use Hearings Examiner

NOTE: Only the Decision and Conditions of approval are binding on the applicant, owner or subsequent developer of the subject property as a result of this Order. Other parts of the final order are explanatory, illustrative or descriptive. There may be requirements of local, state or federal law or requirements which reflect the intent of the applicant, county staff, or the Hearings Examiner, but they are not binding on the applicant as a result of this final order unless included as a condition of approval.

Notice of Appeal Rights

An appeal of any aspect of the Hearings Examiner's decision, except the SEPA determination, may be appealed to the Board of County Commissioners only by a party of record. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing or submitted written testimony prior to or at the public hearing on this matter.

Any appeal of the final land use decisions shall be filed with the Board of County Commissioners, 1300 Franklin Street, Vancouver, Washington, 98668 within 14 calendar days from the date the notice of final land use decision is mailed to parties of record.

Any appeal of the Land Use Hearings Examiner's final land use decision shall be in writing and contain the following:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. The specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied on to prove the error;
4. If the petitioner wants to introduce new evidence in support of the appeal, the written appeal must also explain why such evidence should be considered, based on the criteria in subsection 40.510.030(H)(3)(b); and
5. A check in the amount of \$279.00 (made payable to the Clark County Board of County Commissioners) must accompany an appeal to the Board.